

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JUSTIN RIDDLE,

Plaintiff,

v.

X CORP. formerly known as TWITTER, INC.,

Defendant.

Civil Action No. 1:25-cv-00073-ADA

**DEFENDANT X CORP.’S ANSWER TO PLAINTIFF’S FIRST AMENDED
COMPLAINT AND DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 8, Defendant X Corp. hereby answers Plaintiff Justin Riddle’s “First Amended Complaint and Demand for Jury Trial” (Dkt. 22; “FAC”) as follows. All allegations not specifically admitted herein are denied.

The first paragraph of the FAC contains no allegations to which a response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

OPENING STATEMENT

X Corp. denies the allegation contained in the first paragraph of the FAC under the heading “Opening Statement” that it has engaged in “misconduct.” To the extent this paragraph contains allegations about Plaintiff, X Corp. lacks knowledge or information sufficient to admit or deny those allegations, and on that basis denies those allegations. This paragraph contains no other allegations against X Corp. to which a response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

The second paragraph of the FAC under the heading “Opening Statement” contains allegations about Plaintiff, about which X Corp. lacks knowledge or information sufficient to admit those allegations, and on that basis denies those allegations.

The third paragraph of the FAC under the heading “Opening Statement” contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

The fourth paragraph of the FAC under the heading “Opening Statement” contains legal conclusions to which no response is required. To the extent this paragraph contains allegations about Plaintiff, X Corp. lacks knowledge or information sufficient to admit or deny those allegations, and on that basis denies those allegations. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

The fifth paragraph of the FAC under the heading “Opening Statement” contains allegations about Plaintiff’s alleged use of certain software products, about which X Corp. lacks knowledge or information sufficient to admit or deny those allegations, and on that basis denies those allegations. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

The sixth paragraph of the FAC under the heading “Opening Statement” contains allegations about Plaintiff’s alleged use of software products and the result of that alleged use, about which X Corp. lacks knowledge or information sufficient to admit or deny those allegations, and on that basis denies those allegations. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

PRELIMINARY STATEMENT

1. Paragraph 1 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. states that the FAC and Plaintiff’s original Complaint speak for themselves and denies the remaining allegations in this paragraph.

2. Paragraph 2 of the FAC contains legal conclusions to which no response is required.

To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

3. Paragraph 3 of the FAC contains legal conclusions to which no response is required.

To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

JURISDICTION AND VENUE

4. Paragraph 4 of the FAC contains legal conclusions to which no response is required.

To the extent a response is deemed required, X Corp. admits only that this Court has federal question jurisdiction under 28 U.S.C. § 1331 over Plaintiff's copyright infringement claim and denies the remainder of the allegations in this paragraph.

5. Paragraph 5 of the FAC contains legal conclusions to which no response is required.

To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

6. Paragraph 6 of the FAC contains legal conclusions to which no response is required.

To the extent a response is deemed required, X Corp. admits only that its principal place of business is located in Texas and denies the remainder of the allegations in this paragraph.

PARTIES

7. X Corp. lacks knowledge or information sufficient to admit or deny the allegations in paragraph 7 of the FAC and on that basis denies those allegations.

8. X Corp. admits only that its principal place of business is located in Texas and that it operates a social media platform and denies the remainder of the allegations in this paragraph.

ANTICIPATED DEFENSES AND THEIR LEGAL DEFICIENCIES

8A. Paragraph 8A of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8B. Paragraph 8B of the FAC (including its subparts) contains legal conclusions to

which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8C. Paragraph 8C of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8D. Paragraph 8D of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8E. Paragraph 8E of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8F. Paragraph 8F of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. admits only that its principal place of business is located in Texas and denies the remaining allegations in this paragraph.

8G. Paragraph 8G of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8H. Paragraph 8H of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

SYSTEMIC IMPLICATIONS AND JUDICIAL RESPONSIBILITY

8I. Paragraph 8I of the FAC (including its subparts) contains legal conclusions to

which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8J. Paragraph 8J of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8K. Paragraph 8K of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8L. Paragraph 8L of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8M. Paragraph 8M of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent this paragraph contains allegations about Plaintiff's alleged purpose for filing this lawsuit and Plaintiff's beliefs about the alleged consequences of this litigation, lacks knowledge or information sufficient to admit or deny those allegations, and on that basis denies those allegations. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

8N. Paragraph 8N of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

FACTUAL ALLEGATIONS FROM ORIGINAL COMPLAINT

9. Paragraph 9 of the FAC (including its subparts) contains legal conclusions to which no response is required. X Corp. lacks knowledge or information sufficient to admit or deny

Plaintiff's allegation about his alleged "ownership of a valid registered copyright in a personal photograph depicting himself and his wife," and on that basis denies those allegations. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

SUPPLEMENTAL FACTUAL ALLEGATIONS

10. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the alleged content of the document referenced in paragraph 10 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

11. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the alleged content of the document referenced in paragraph 11, and on that basis denies those allegations. Paragraph 11 of the FAC also contains legal conclusions to which no response is required. X Corp. denies the remainder of the allegations in this paragraph.

12. Paragraph 12 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

12A. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the alleged content of the document referenced in paragraph 12A of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

12B. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the alleged content of the document referenced in paragraph 12B of the FAC, and on that basis denies those allegations. X Corp.

otherwise denies the remainder of the allegations in this paragraph.

13. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the content of the document in paragraph 13 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

14. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the content of the document in paragraph 14 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

15. X Corp. lacks knowledge of information sufficient to admit or deny the allegations about alleged charges in paragraph 15 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

16. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the content of the document in paragraph 16 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

16A. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the content of the document in paragraph 16A of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

16B. X Corp. lacks knowledge or information about the authenticity of the referenced document sufficient to admit or deny the allegations about the content of the document in paragraph 16B of the FAC, and on that basis denies those allegations. X Corp. otherwise denies

the remainder of the allegations in this paragraph.

16C. Paragraph 16C of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

17. Paragraph 17 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

18. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in paragraph 18 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

19. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in paragraph 19 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

20. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in both paragraphs labeled “paragraph 20” of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in these paragraphs.

21. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in paragraph 21 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

22. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in paragraph 22 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

23. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in paragraph 23 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

22. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in the second paragraph 22 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

23. X Corp. lacks knowledge or information about the authenticity of the referenced documents sufficient to admit or deny the allegations about the content of the documents referenced in the second paragraph 23 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.¹

24. X Corp. lacks knowledge or information about the authenticity of the referenced alleged videos sufficient to admit or deny the allegations about those videos referenced in paragraph 24 of the FAC, and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

25. X Corp. lacks knowledge or information sufficient to admit or deny the allegations

¹ From paragraph no. 23 on, the FAC begins to repeat numbers. This answer mirrors the numbering of the paragraphs as denoted in the FAC.

contained in paragraph 25 of the FAC, and on that basis denies those allegations.

26. Paragraph 26 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations in this paragraph.

26. X Corp. lacks knowledge or information about the authenticity of the referenced documents and video sufficient to admit or deny the allegations about those documents and video referenced in the second paragraph 26 of the FAC (including its subparts), and on that basis denies those allegations. X Corp. otherwise denies the remainder of the allegations in this paragraph.

CAUSES OF ACTION

27. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

28. X Corp. lacks sufficient knowledge or information sufficient to admit or deny the allegations in paragraph 28 of the FAC, and on that basis denies those allegations.

29. Paragraph 29 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

30. Paragraph 30 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

31. Paragraph 31 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

32. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the

FAC.

33. The Court dismissed this claim with prejudice, and therefore no response to paragraph 33 of the FAC is required. Paragraph 33 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

34. The Court dismissed this claim with prejudice, and therefore no response to paragraph 34 of the FAC is required. Paragraph 34 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

35. The Court dismissed this claim with prejudice, and therefore no response to paragraph 35 of the FAC is required. Paragraph 35 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

36. The Court dismissed this claim with prejudice, and therefore no response to paragraph 36 of the FAC is required. Paragraph 36 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

37. The Court dismissed this claim with prejudice, and therefore no response to paragraph 37 of the FAC is required. Paragraph 37 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

38. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

39. The Court dismissed this claim with prejudice, and therefore no response to paragraph 39 of the FAC is required. Paragraph 39 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

40. The Court dismissed this claim with prejudice, and therefore no response to paragraph 40 of the FAC is required. Paragraph 40 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

41. The Court dismissed this claim with prejudice, and therefore no response to paragraph 41 of the FAC is required. Paragraph 41 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

42. The Court dismissed this claim with prejudice, and therefore no response to paragraph 42 of the FAC is required. Paragraph 42 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

43. The Court dismissed this claim with prejudice, and therefore no response to paragraph 43 of the FAC is required. Paragraph 43 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

44. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

45. The Court dismissed this claim with prejudice, and therefore no response to

paragraph 45 of the FAC is required. Paragraph 45 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

46. The Court dismissed this claim with prejudice, and therefore no response to paragraph 46 of the FAC is required. Paragraph 46 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

47. The Court dismissed this claim with prejudice, and therefore no response to paragraph 47 of the FAC is required. Paragraph 47 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

48. The Court dismissed this claim with prejudice, and therefore no response to paragraph 48 of the FAC is required. Paragraph 48 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

49. The Court dismissed this claim with prejudice, and therefore no response to paragraph 49 of the FAC is required. Paragraph 49 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

50. The Court dismissed this claim with prejudice, and therefore no response to paragraph 50 of the FAC is required. Paragraph 50 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

51. The Court dismissed this claim with prejudice, and therefore no response to paragraph 51 of the FAC is required. Paragraph 51 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

52. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

53. The Court dismissed this claim with prejudice, and therefore no response to paragraph 53 of the FAC is required. Paragraph 53 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

54. The Court dismissed this claim with prejudice, and therefore no response to paragraph 54 of the FAC is required. Paragraph 54 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

55. The Court dismissed this claim with prejudice, and therefore no response to paragraph 55 of the FAC is required. Paragraph 55 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

56. The Court dismissed this claim with prejudice, and therefore no response to paragraph 56 of the FAC is required. Paragraph 56 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

57. The Court dismissed this claim with prejudice, and therefore no response to

paragraph 57 of the FAC is required. Paragraph 57 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

58. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

59. The Court dismissed this claim with prejudice, and therefore no response to paragraph 59 of the FAC is required. Paragraph 59 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

60. The Court dismissed this claim with prejudice, and therefore no response to paragraph 60 of the FAC is required. Paragraph 60 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

61. The Court dismissed this claim with prejudice, and therefore no response to paragraph 61 of the FAC is required. Paragraph 61 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

62. The Court dismissed this claim with prejudice, and therefore no response to paragraph 62 of the FAC is required. Paragraph 62 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

63. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

64. The Court dismissed this claim with prejudice, and therefore no response to paragraph 64 of the FAC is required. Paragraph 64 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

65. The Court dismissed this claim with prejudice, and therefore no response to paragraph 65 of the FAC is required. Paragraph 65 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

66. The Court dismissed this claim with prejudice, and therefore no response to paragraph 66 of the FAC is required. Paragraph 66 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

67. The Court dismissed this claim with prejudice, and therefore no response to paragraph 67 of the FAC is required. Paragraph 67 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

68. The Court dismissed this claim with prejudice, and therefore no response to paragraph 68 of the FAC is required. Paragraph 68 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

69. X Corp. incorporates by reference its responses to “all preceding paragraphs” of the FAC.

70. The Court dismissed this claim with prejudice, and therefore no response to

paragraph 70 of the FAC is required. Paragraph 70 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

71. The Court dismissed this claim with prejudice, and therefore no response to paragraph 71 of the FAC is required. Paragraph 71 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

72. The Court dismissed this claim with prejudice, and therefore no response to paragraph 72 of the FAC is required. Paragraph 72 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

73. The Court dismissed this claim with prejudice, and therefore no response to paragraph 73 of the FAC is required. Paragraph 73 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

74. The Court dismissed this claim with prejudice, and therefore no response to paragraph 74 of the FAC is required. Paragraph 74 also contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

PRAYER FOR RELIEF

Plaintiff's Prayer for Relief contains legal conclusions to which no response is required. To the extent a response is deemed required, Defendant denies any allegations associated with Plaintiff's Prayer for Relief and denies that Plaintiff is entitled to any relief.

CONCLUSION

75. Paragraph 75 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

76. Paragraph 76 of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

77. Paragraph 77 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

78. Paragraph 78 of the FAC (including its subparts) contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

79. Paragraph 79 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

80. Paragraph 80 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

81. Paragraph 81 of the FAC contains legal conclusions to which no response is required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

82. Paragraph 82 of the FAC contains legal conclusions to which no response is

required. To the extent a response is deemed required, X Corp. denies the allegations of this paragraph.

DEMAND FOR JURY TRIAL

Defendant demands a trial by jury of all issues that are so triable.

AFFIRMATIVE DEFENSES

Defendant identifies the following affirmative defenses and reserves the right to raise additional defenses as discovery proceeds. Defendant does not assume the burden of proof on any issue, however characterized, on which it does not bear that burden. Defendant reserves all affirmative defenses not stated herein under Rule 8(c) of the Federal Rules of Civil Procedure and any other defense at law or in equity that may now exist or in the future be available based upon discovery and further investigation in this case.

1. The FAC fails to state facts sufficient to constitute a claim upon which relief can be granted.
2. The statute of limitations bars Plaintiff's claim to the extent Plaintiff alleges infringements that accrued outside the three-year limitations period, including any applicable tolling of the limitations period.
3. Plaintiff's failure to mitigate damages bars his claim or limits his recovery on his claim.
4. The doctrine of unclean hands bars Plaintiff's claim.
5. The doctrines of waiver and estoppel bar Plaintiff's claim.
6. Plaintiff's claim is barred to the extent he does not own the copyright in the work underlying his claim.
7. The Court lacks subject matter jurisdiction over Plaintiff's claim to the extent it

depends on works for which Plaintiff has not obtained copyright registrations.

8. To the extent that Plaintiff did not register copyrights before the alleged infringements or within three months of first publication of published works, the failure to timely register bars statutory damages and attorneys' fees.

9. To the extent that Plaintiff relies on copyright registrations that rest on misstatements or fraud, those misstatements or fraud bar Plaintiff's claim.

10. To the extent that Plaintiff failed to comply with copyright renewal, notice, and registration requirements and/or other formalities, Plaintiff's claim is barred.

11. To the extent Plaintiff can establish any underlying infringement, Defendant's liability and Plaintiff's remedies are limited because Defendant qualifies for "safe harbor" under 17 U.S.C. § 512(a).

12. Plaintiff's claim is barred or his damages are limited because any infringement was innocent and not willful.

Dated: July 25, 2025

Respectfully submitted,

By: /s/ Norma N. Bennett

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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2025, I filed the foregoing document with the clerk of court for the United States District Court, Western District of Texas, Austin Division, using the Court's CM/ECF filing system. I hereby certify that I have served all parties in the manner authorized by the Federal Rules of Civil Procedure, including those parties not registered for electronic filing.

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/s/ Norma N. Bennett

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